

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

2023 MAR -6 PM 4:05  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

**JASON TILLERY,**

Plaintiff,

vs.

**CORECIVIC, INC.; CORECIVIC OF  
TENNESSEE, LLC; CORRECTIONAL  
MEDICAL ASSOCIATES, INC.;  
DAMON T. HININGER; PATRICK  
SWINDLE; JASON MEDLIN; VINCE  
VANTELL; T. ROBINSON; and ELAINA  
RODELA, M.D.**

Defendants

Case No. \_\_\_\_\_

**JURY DEMAND**

**ORIGINAL COMPLAINT**

NOW COMES Jason Tillery, the Plaintiff herein, stating and alleging as follows:

**Jurisdiction**

1. This Court has jurisdiction under 28 U.S.C. § 1331 because the Plaintiff asserts federal claims under 42 U.S.C. § 1983.

2. Venue is proper in this Court because some of the Defendants reside or are located in the Western District of Tennessee, and the acts giving rise to this lawsuit occurred in the Western District of Tennessee.

**Parties**

3. CoreCivic, Inc. is a private prison company that is headquartered in Nashville, Tennessee.

4. CoreCivic of Tennessee, LLC is a wholly-owned subsidiary of CoreCivic, Inc., and it operates all of the CoreCivic facilities in Tennessee. CoreCivic, Inc. and CoreCivic of Tennessee, LLC are hereinafter referred to jointly as “CoreCivic” or “Defendant CoreCivic.”

5. Correctional Medical Associates, Inc. (“CMA”) is a Tennessee corporation affiliated with CoreCivic. It is responsible for providing health care at WCF, including psychiatric care.

6. Damon Hininger is the chief executive officer of Defendant CoreCivic, Inc.

7. Patrick Swindle is the chief operating officer of Defendant CoreCivic, Inc.

8. Jason Medlin is the vice president of facility operations at Defendant CoreCivic, Inc.

9. Vince Vantell is the warden of WCF.

10. Keith Ivens, M.D. is the medical director for CoreCivic.

11. T. Robinson is an advanced nurse practitioner who was assigned to care for Plaintiff at WCF.

12. Elaina Rodela, M.D. is the physician assigned to WCF and she was responsible for overseeing T. Robinson’s care for Plaintiff.

### **Facts**

#### **The assault on Jason Tillery**

13. Plaintiff Jason Tillery was an inmate at WCF when he was violently assaulted in his cell by another inmate on March 6, 2023. The inmate was able to enter Plaintiff’s cell – in violation of prison rules – because there were no guards staffing Plaintiff’s unit. Plaintiff was assaulted with contraband, namely a fan motor obtained by the other inmate.

14. Plaintiff was transferred to Elvis Presley Trauma Center in Memphis with multiple broken bones in his face. Physicians at the hospital performed surgery to repair the broken bones, and they directed him to visit an eye clinic within two weeks of his release from the hospital.

15. When he returned from the hospital, Plaintiff was assigned to disciplinary segregation rather than the medical unit at WCF. He was seen periodically by Defendant Robinson, a nurse practitioner who was not qualified to provide follow-up care. Plaintiff repeatedly complained about headaches and blurred vision, but Defendant Robinson ignored his complaints. Despite her duty to oversee Plaintiff's care, Defendant Rodela never reviewed his case nor sent him for an eye evaluation as directed by the hospital.

16. On March 15, 2022, Plaintiff was returned to general population at WCF despite the fact that he was still suffering from severe injuries, including neurological injuries. He was threatened and extorted as soon as he returned to general population.

17. In early April of 2022, Plaintiff was again assaulted in the face by another inmate, aggravating his pre-existing injuries. Again, no guards were present at the time of the assault. Around the same time, another inmate attempted to rape Plaintiff, and the guard supervisor at the time acted as if she was merely annoyed that she had complete paperwork about the rape.

18. Medical staff did not provide Plaintiff with the pain medication that was prescribed for him, and he suffered continuously until his release from prison in late 2022. Plaintiff filed grievances about the lack of medical care, but Defendants Rodela, Robinson, and Vantell ignored those complaints. Plaintiff still has blurred vision and headaches as well as post-traumatic stress disorder. He was never provided treatment for any of these conditions.

#### **A long history of indifference and neglect**

19. CoreCivic is infamous for putting profits ahead of the safety and well-being of inmates. As a result of chronic and deliberate understaffing, for example, inmates are four times as likely to be murdered in a facility operated by CoreCivic than a facility operated by the State of Tennessee. *See* James Satterfield, "Private prison contractor CoreCivic hit with two new lawsuits

over inmate deaths,” *Tennessee Lookout* (September 21, 2019)

(<https://tennesseelookout.com/2022/09/21/>

[private-prison-contractor-corecivic-hit-with-two-new-lawsuits-over-inmate-deaths/](#))

A performance audit by the Tennessee Comptroller’s Office in 2020 of CoreCivic facilities in the state found myriad problems, including the failure to properly document inmate deaths and violence and identify the causes and adequately staff its prisons.

A chart compiled as part of the audit revealed CoreCivic facilities in Tennessee logged more than double the number of “life-threatening matters and breaches of security,” including deaths, assaults, rapes, escapes and lockdowns, reported at TDOC facilities from 2017 to 2019.

An audit by the U.S. Department of Justice Office of the Inspector General in 2016 detailed widespread staffing deficiencies, inadequate medical care and unchecked violence at CoreCivic facilities across the country. The company’s own shareholders sued the firm that same year for misrepresenting staffing levels and quality of medical care provided to inmates.

*Id.* (emphasis added).

20. The sheer volume of lawsuits and media stories are such that every Defendant was fully aware of the harm caused by CoreCivic’s practice of cutting corners in order to increase profits.<sup>1</sup> This includes the corporate Defendants as well as Defendants Hininger,

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<sup>1</sup> See Demetria Kalodimos, “Woman says she paid off gangs to keep son safe in prison,” WSMV (Oct. 5, 2017), ([https://www.wsmv.com/news/woman-says-she-paid-off-gangs-to-keep-son-safe-inprison/article\\_a4e670ea-78be-5087-86e5-a65ecd485475.html](https://www.wsmv.com/news/woman-says-she-paid-off-gangs-to-keep-son-safe-inprison/article_a4e670ea-78be-5087-86e5-a65ecd485475.html)); Joseph Wenzel, “Over 1,200 staff, inmates test positive for COVID-19 at Trousdale Turner Correctional Center,” WSMV (May 1, 2020), ([https://www.wsmv.com/news/over-1-200-staff-inmates-test-positive-for-covid-19-at-trousdale-turnercorrectional-center/article\\_568c03d2-8bde-11ea-a447-4b7eaabeb67b.html](https://www.wsmv.com/news/over-1-200-staff-inmates-test-positive-for-covid-19-at-trousdale-turnercorrectional-center/article_568c03d2-8bde-11ea-a447-4b7eaabeb67b.html)); Adam Tamburin, “Tennessee prison inmate dies after fight at Trousdale Turner,” *The Tennessean* (Jan. 26, 2020), (<https://www.tennessean.com/story/news/2020/01/26/tennessee-prison-inmate-dies-after-fighttrousdale-turner-correctional-center/4581013002/>); Dave Boucher, “New Tennessee CCA prison stops taking inmates amid ‘serious issues,’” *The Tennessean*, (May 24, 2016), (<https://www.tennessean.com/story/news/politics/2016/05/24/new-tennessee-private-prison-stopstaking-inmates/84867834/>); Chris Conte, “Prisons for profit: Concerns mount about Trousdale Turner Correctional Center, operator CoreCivic,” WTVF (Jun. 13, 2019), (<https://www.newschannel5.com/longform/prisons-for-profit-concerns-mount-about-trousdale-turnercorrectional-center-operator-corecivic>); Staff Report, “Scathing state audit slams Tennessee prisons, CoreCivic for staffing, sexual assaults, and deaths in jails,” WTVF (Jan. 10, 2020), (<https://www.newschannel5.com/news/scathing-state-audit-slams-tennessee-prisons-corecivic-forstaffing->

sexual-assaults-and-deaths-in-jails); Jamie McGee, "CoreCivic shareholders granted class action status in fraud lawsuit," *The Tennessean* (May 27, 2019), (<https://www.tennessean.com/story/money/2019/03/27/corecivic-class-action-securities-fraudlawsuit/3289913002/>); Chris Gregory, "Family seeks answers in loved one's death at Trousdale prison," *Lebanon Democrat* (Jan. 2, 2021), ([https://www.lebanondemocrat.com/hartsville/family-seeks-answersin-loved-ones-death-at-trousdale-prison/article\\_1ffe90f7-0e9f-5021-bb94-9ec1b4d23139.html](https://www.lebanondemocrat.com/hartsville/family-seeks-answersin-loved-ones-death-at-trousdale-prison/article_1ffe90f7-0e9f-5021-bb94-9ec1b4d23139.html)); Demetria Kalodimos, "Inmates at CoreCivic prisons say they sometimes go months without medical care," WSMV (Jun. 22, 2017), ([https://www.wsmv.com/news/inmates-at-corecivic-prisons-say-they-sometimes-gomonths-without-medical-care/article\\_8d28e630-bd12-5f1c-8b68-92b9336553e1.html](https://www.wsmv.com/news/inmates-at-corecivic-prisons-say-they-sometimes-gomonths-without-medical-care/article_8d28e630-bd12-5f1c-8b68-92b9336553e1.html)); Prison Legal News, "Incorrect Cause of Tennessee Prisoner's Death Reported by CoreCivic Employees," PLN (Jun. 7, 2018), (<https://www.prisonlegalnews.org/news/2018/jun/7/incorrect-cause-tennessee-prisoners-deathreported-corecivic-employees/>); Staff Report, Private prison company CoreCivic's history of problems in Tennessee, *The Tennessean* (Jan. 16, 2020), (<https://www.tennessean.com/story/news/local/2020/01/17/private-prison-corecivic-history-problemstennessee/4470277002/>); Stephen Elliott, "State audit criticizes CoreCivic facilities," *The Nashville Post* (Nov. 14, 2017) (<https://www.nashvillepost.com/business/prison-management/article/20982796/stateaudit-criticizes-corecivic-facilities>); Matt Blois, "CoreCivic reports \$25M in profits as COVID infects 2,500+ inmates," *The Nashville Post* (Jun. 30, 2020), (<https://www.nashvillepost.com/business/prisonmanagement/article/21138792/corecivic-reports-25m-in-profits-as-covid-infects-2500-inmates>); Steven Hale, Problems Persist at Tennessee's Mismanaged Prisons, *The Nashville Scene* (Jan. 22, 2020) (<https://www.nashvillescene.com/news/features/article/21111586/problems-persist-at-tennesseesmismanaged-prisons>); Dave Boucher, "CoreCivic investigating ex-officer's allegations of negligent deaths at private prison," *The Tennessean* (Dec. 12, 2017) (<https://www.tennessean.com/story/news/2017/12/12/corecivic-investigating-ex-officers-allegationsegnligent-deaths-private-prison/946196001/>); Elizabeth Weill-Greenberg, 'Just Let Him Kick,' *The Appeal* (Sep. 6, 2018) (<https://theappeal.org/just-let-him-kick/>); Brinley Hineman, "Murfreesboro man charged in prison cellmate's death at Trousdale," *Daily News Journal* (Feb. 20, 2020), <https://www.dnj.com/story/news/2020/02/20/murfreesboro-man-jacob-kado-charged-death-prisoncell-mate-ernest-hill-trousdale-turner/4818354002/>); Ethan Illers, "Man killed during inmate-on-inmate altercation at Trousdale Turner prison," WSMV (Jun. 16, 2019) ([https://www.wsmv.com/news/mankilled-during-inmate-on-inmate-altercation-at-trousdale-turner-prison/article\\_8d8b6806-9066-11e9-b749-7b44cac1c002.html](https://www.wsmv.com/news/mankilled-during-inmate-on-inmate-altercation-at-trousdale-turner-prison/article_8d8b6806-9066-11e9-b749-7b44cac1c002.html)); Jeremy Finley, "Recorded conversations reveal life inside prison ravaged by COVID-19," WSMV (May 6, 2020) ([https://www.wsmv.com/news/investigations/recorded-conversationsreveal-life-inside-prison-ravaged-by-covid-19/article\\_91ef5b06-8fe2-11ea-9b75-f36db06e1ab1.html](https://www.wsmv.com/news/investigations/recorded-conversationsreveal-life-inside-prison-ravaged-by-covid-19/article_91ef5b06-8fe2-11ea-9b75-f36db06e1ab1.html)); Demetria Kalodimos, "Gang activity, security a concern at Trousdale Turner facility," WSMV (Jun. 21, 2017), ([https://www.wsmv.com/news/gang-activity-security-a-concern-at-trousdale-turner-facility/article\\_df82a358-7073-552e-b5e4-9feb2e9cf8bc.html](https://www.wsmv.com/news/gang-activity-security-a-concern-at-trousdale-turner-facility/article_df82a358-7073-552e-b5e4-9feb2e9cf8bc.html)); Steven Hale, *Tennessee's Largest Prison Still Appears as Troubled as Ever*, *The Nashville Scene* (Feb. 13, 2019), (<https://www.nashvillescene.com/news/features/article/21047078/tennessees-largest-prison-stillappears-as-troubled-as-ever>); Jessie Williams, "Trousdale Turner Corrections Officer Arrested," *Macon County Chronicle* (Feb. 5, 2019) (<https://www.maconcountychronicle.com/news/5680trousdaleturner-corrections-officer-arrested>); Natalie Allison, "Lawmakers hear from prison rape survivor, parents of man who hanged himself in CoreCivic facility," *The Tennessean* (Dec. 19, 2018) (<https://www.tennessean.com/story/news/politics/2018/12/19/tennessee-legislators-hear-rape-suicidecorecivic-prison/2355556002/>); Dave Boucher, "Private prison chief: 'We've got work to do' at Trousdale facility," *The Tennessean* (Dec. 13, 2016)



Swindle, Medlin, and Ivens.

21. Of particular relevance to this case, CoreCivic has an established pattern and practice of providing inadequate medical care at its facilities. That point was demonstrated in *Grae v. Corrections Corporation of America* (“CCA”), Case No. 3:16-cv-2267 (M.D. Tenn.), the shareholder lawsuit mentioned above in Paragraph 16. Shareholders alleged that CoreCivic had failed to provide adequate medical care to inmates, *CCA*, 330 F.R.D. 481 (M.D. Tenn. 2019), and the company settled the case shortly in 2021. *CCA*, 2021 WL 5234966 (M.D. Tenn. Nov. 8, 2021). Diabetic inmates reported that they were being denied insulin in order to maximize profits. *See* Brett Kelman, “At Tennessee’s largest prison, diabetic inmates say they are denied insulin to 'maximize profits',” *The Tennessean* (Aug. 7, 2018)

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(<https://www.tennessean.com/story/news/2016/12/13/privateprison-chief-weve-got-work-do-trousdale-facility/95223230/>); Demetria Kalodimos, Former chaplain describes conditions inside TN prison, WSMV (Jun. 19, 2017), [https://www.wsmv.com/news/formerchaplain-describes-conditions-inside-tn-prison/article\\_9b30af82-8297-5101-b11f-b5fd9270bf18.html](https://www.wsmv.com/news/formerchaplain-describes-conditions-inside-tn-prison/article_9b30af82-8297-5101-b11f-b5fd9270bf18.html)); Chris Gregory, “Trousdale Turner employee charged with smuggling contraband,” *Lebanon Democrat* (Apr. 23, 2020), ([https://www.lebanondemocrat.com/hartsville/trousdale-turner-employee-charged-withsmuggling-contraband/article\\_6b865daf-fbc8-5a59-9a35-e84b61ace2e4.html](https://www.lebanondemocrat.com/hartsville/trousdale-turner-employee-charged-withsmuggling-contraband/article_6b865daf-fbc8-5a59-9a35-e84b61ace2e4.html)); Andy Cordan, Prison corrections officer in Trousdale County arrested carrying drugs, WKRN (Jan. 20, 2021) (<https://www.wkrn.com/news/prison-corrections-officer-in-trousdale-county-arrested-carrying-drugs/>); Dave Boucher, “Gangs, insufficient staffing plague troubled Tennessee private prison, state audit finds,” *The Tennessean* (Nov. 14, 2017), (<https://www.tennessean.com/story/news/politics/2017/11/14/tennessee-private-prison-operated-bycorecivic-blasted-ongoing-problems-new-state-audit/858884001/>); Keith Sharon and Adam Tamburin, “‘This is unreal’: Family seeks answers in death of Trousdale Turner prison inmate,” *The Tennessean* (Feb. 2, 2021) (<https://www.tennessean.com/story/news/2021/02/03/trousdale-turner-inmate-aaron-blakeadams-dead-family-wants-answers/4290646001/>); Alex Corradetti, “Investigation underway following death of inmate at Trousdale Turner Correctional Center,” WKRN (Sep. 8, 2021), (<https://www.wkrn.com/news/investigation-underway-following-death-of-inmate-at-trousdale-turnercorrectional-center/>); Chris Gregory, “Former Trousdale Turner corrections officer indicted,” *Lebanon Democrat* (Oct. 7, 2021) ([https://www.lebanondemocrat.com/hartsville/former-trousdale-turnercorrections-officer-indicted/article\\_aac20d8d-16e5-5edc-9e7e-d5fd9f8bfd0e.html](https://www.lebanondemocrat.com/hartsville/former-trousdale-turnercorrections-officer-indicted/article_aac20d8d-16e5-5edc-9e7e-d5fd9f8bfd0e.html)); Levi Ismail, “NAACP calls for closure of Trousdale Turner Correctional Center, cites 'barbaric treatment' of Black men,” WTVF (Nov. 11, 2021) (<https://www.newschannel5.com/news/naacp-calls-for-closure-of-trousdale-turnercorrectional-center-cites-barbaric-treatment-of-black-men>).

(<https://www.tennessean.com/story/news/2018/08/07/corecivic-diabetic-inmates-denied-insulintrousdale-turner/925297002/>).

22. Defendants CoreCivic, Inc. and CoreCivic of Tennessee each have adopted a policy of withholding medical care from inmates in order to maximize profits. That policy contributed to Plaintiff's suffering.

23. As medical director for CoreCivic, Defendant Ivens was responsible for overseeing medical and behavioral healthcare at all CoreCivic facilities. Rather than correct the shortcomings at WCF (and other facilities), Defendant Ivens instead carried out CoreCivic's policy of withholding medical care in order to maximize profits.

24. Similarly, Defendant CMA was responsible for providing medical and behavioral healthcare services at CoreCivic facilities, including WCF. Notwithstanding the longstanding failures in medical care, CMA continued the practice of withholding medical care in order to maximize profits.

25. As executives at CoreCivic, Defendants Hininger, Swindle, and Medlin knew about persistently inadequate medical care at company facilities, and they had every opportunity to improve medical care at WCF. Instead, they carried out CoreCivic's policy of withholding medical care in order to maximize profits.

26. Another obvious factor contributed to Plaintiff's injuries, namely the lack of guard staff. The state auditor repeatedly has faulted CoreCivic for failing to provide adequate guard staff as required by its contract with the state. Furthermore, CoreCivic has been sued repeatedly as a result of the predictable injuries and deaths resulting from missing guard staff, but the company continues its policy of understaffing.

27. Defendants CoreCivic, Inc., CoreCivic of Tennessee, LLC, Hininger, Swindle, Jason Medlin, and Vantell were deliberately indifferent to the dangers posed by understaffing WCF.

### **Claims**

#### **Count 1: Civil Rights Violations**

28. All prior paragraphs are incorporated herein by reference.

29. The Plaintiff brings claims against all Defendants under 42 U.S.C. §1983 for Eighth Amendment violations, namely for deliberate indifference to his health and safety.

#### **Count 2: Medical malpractice**

30. All prior paragraphs are incorporated herein by reference.

31. The Plaintiff brings claims against the CoreCivic entities and Defendants CMA, Ivens, Robinson, and Rodela resulting in Plaintiff's lingering injuries.

#### **Count 3: Gross Negligence**

32. All prior paragraphs are incorporated herein by reference.

33. The Plaintiff brings claims against the CoreCivic entities as well as Defendants Hininger, Swindle, Medlin, and Vantell for gross negligence.

#### **Count 5: Negligence**

34. All prior paragraphs are incorporated herein by reference.

35. The Plaintiff brings claims against the CoreCivic entities as well as Defendants Hininger, Swindle, Medlin, and Vantell for negligence.



**Request for Relief**

41. The Plaintiff respectfully prays that upon a final hearing of this case, judgment be entered for him against the Defendants, for actual and punitive damages together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate; costs of court; attorney fees; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

**THE PLAINTIFF DEMANDS A JURY TRIAL.**

Respectfully,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger, *pro hac vice pending*  
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